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OGC 73-1580
22 August 1973

MEMORANDUM FOR:



SUBJECT : Navy Request to Release Section 56 of
Indonesia NIS

1. This is in reply to your memorandum of 14 August concerning the Navy's renewal of its request to release the subject document to  a local firm under contract with the Navy.

2. USIB-D-71 8/2 of 2 April 1970 specifically provides that section 56 of NIS documents are not releasable to contractors and this Agency, as well as the Navy, must be guided by that document. The Navy of course could request an exception by USIB, in which event this Agency of course could make its own recommendations to USIB.



Associate General Counsel

OGC:RHL:cav

Orig - Addse

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14 August 1973

MEMORANDUM FOR:

OGC

1. Attached are a new request for release of NIS Section 56 [] and the original request. In spite of the reference to my discussions with Commander Long, I did in no way indicate or imply we would approve. I merely stated that if he would inform us [] that we would take another look. I have been holding this waiting for a reply from Commander Long regarding my query as to whether or not [] was given NIS Section 56 for Indonesia. It seems that parts of their draft paper on Indonesia are almost verbatim from NIS Section 56. Commander Long replied 14 August that [] had not been given this Section 56 and the only way they could explain it was that the people at [] were recent retirees and must have remembered the material - this still does not explain the verbatim bit and the Navy realizes it.

2. Navy is hoping for a favorable reply. I have indicated nothing to them. I assume that we will stand in our original position per [] (attached). If we do, I would expect another blast from higher levels, i.e., Admiral Zumwalt.

Military Branch
Liaison Group
Operations Staff

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USIB-D-71.8/2
2 April 1970

UNITED STATES INTELLIGENCE BOARD

MEMORANDUM FOR THE UNITED STATES INTELLIGENCE BOARD

SUBJECT : USIB Policy Paper on Information
Release to Contractors


REFERENCES : a. USIB-D-71.8/1, 20 March 1970
b. Memorandum for Holders of
USIB-D-39.5/19, 28 September 1967

1. On 2 April 1970 the United States Intelligence Board approved the IHC recommendations in reference a. that:

a. The present memorandum on USIB Policy on Release of Intelligence to Contractors (reference b) be modified, by the addition of footnote 5 to para. 1. b.

b. Each USIB member organization modify pertinent instructions and directives to ensure that officers responsible for release of documents to contractors remove source information as stipulated in footnote 5 to para. 1. b. of the revised policy.

2. Accordingly the attached USIB approved revision of "USIB Policy on Release of Intelligence to Contractors" (which supersedes that contained in reference b. dated 28 September 1967) is circulated for information and appropriate implementation by USIB member agencies.


Executive Secretary

Attachment

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Attachment
USIB-D-71. 8/2
2 April 1970

USIB Policy on Release
of Intelligence to Contractors^{1/}

1. In order that the member agencies may more effectively discharge their responsibilities, and without intent to limit such broader authority or responsibility as any may now have under law, NSC directive, or special agreements among them, the United States Intelligence Board is agreed that selected intelligence^{2/} may be made available by recipient USIB members or their designated subordinates to certain contractors without referral to the originating agency, provided that:

- 1/ General policy is set forth in DCID No. 1/7: Controls for Dissemination and Use of Intelligence and Intelligence Information (New Series), approved 2 February 1967; see especially para. 6.a. (2).
- 2/ This directive deals solely with intelligence, which for purposes of this directive, is defined as information reports and intelligence produced and disseminated by CIA, INR/State, DIA, NSA, ACSI/Army, Naval Intelligence Command, ACSI/Air Force, the AEC and the military commands. This specifically excludes Foreign Service reporting and communications intelligence. Permission to release Foreign Service reporting must be obtained from the Department of State, and permission to release communications intelligence must be obtained from its originator. Communications intelligence is covered specifically by para. 3 of this directive, in that it bears one or more codewords or special instructions which dictate handling in special dissemination channels.

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- 3/
- a. Release shall be limited to private individuals (including consultants) or organizations certified by the sponsoring member of the United States Intelligence Board as being under contract to the United States Government for the purpose of performing classified services in support of the mission of a member agency^{4/}, his department or service, as having a need-to-know, and as possessing the required security clearances.
 - b. The responsibility for ensuring that releases to contractors are made pursuant to this policy statement shall rest with the sponsoring member of the USIB (i. e. , the Chief of the USIB intelligence component seeking release on his own behalf or on behalf of a component within his department or service) or his designee.^{5/}
 - c. The agency releasing the intelligence material shall maintain a record of the material released and shall upon request report such releases to the originating agency.

3/ Release is the visual, oral or physical disclosure of classified intelligence material.

4/ Non-USIB Government components under contract to fulfill an intelligence support role, may be treated as members of the intelligence community rather than as contractors (NSCID No. 1 (New Series) footnote 2; USIB-D-39.5/12, para. 8.d.; USIB-M-201, para. 5). When so treated, it shall be solely for the specific purposes agreed upon, and shall in no case include authority to disseminate further the intelligence material made available to them.

5/ Releasing agencies are required to delete: a) the CIA seal, b) the phrase "Directorate of Plans", and c) the source description from all CIA/Clandestine Services reports passed to contractors, unless prior approval to release such information is obtained from CIA.

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- d. Intelligence material released to a contractor does not become the property of the contractor and can be withdrawn from him at any time. Upon expiration of the contract, the releasing agency shall assure that all intelligence materials released under authority of this agreement and all other materials of any kind incorporating data from such intelligence materials are returned to the releasing agency for final disposition.
- e. Contractors receiving intelligence material will not release the material (a) to any activity or individual of the contractor's organization not directly engaged in providing services under the contract, nor (b) to another contractor (including a sub-contractor), government agency, private individual or organization without the consent of the releasing agency (which shall verify that the second contractor has a need-to-know and meets security requirements).
- f. Intelligence material will not be released to foreign nationals whether or not they are also consultants, U.S. contractors or employees of contractors, and regardless of the level of their security clearance, except with the specific permission of the originating agency.
- g. Contractors shall be required to maintain such records as will permit them to furnish on demand, the names of individuals who have had access to intelligence materials in their custody.
- h. Contractors may not reproduce any material released without the express permission of the agency having contractual responsibilities. All requirements for control and accountability for original documents as indicated above shall apply equally to copies made.

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2. The following intelligence materials shall not be released to contractors:

- a. National Intelligence Estimates (NIEs), Special National Intelligence Estimates (SNIEs), and National Intelligence Projections for Planning (NIPPs) are not releasable and hence shall bear the Controlled Dissem stamp. However, information contained therein may be made available, without identification as national intelligence, over the by-line of the USIB member authorizing its release.
- b. National Intelligence Survey (NIS) Section 56: Intelligence and Security, is not releasable and hence shall bear the Controlled Dissem stamp.

3. The following intelligence materials shall not be released to contractors unless special permission has been obtained in writing from the originator:

Materials which by reason of sensitivity of content bear special markings, such as Controlled Dissem, contained in DCID 1/7 (New Series) 2 Feb 67, or warnings which prohibit dissemination to contractors, or which are marked for handling in special dissemination channels.

4. Questions concerning the implementation of this policy and these procedures shall be referred for appropriate action to the USIB Intelligence Information Handling Committee.

Corrected 9 April 1970